



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 31, 1994

Mr. James M. Whitton
Law Offices of McLean & Sanders
100 Main Street
Fort Worth, Texas 76102-3090

OR94-228

Dear Mr. Whitton:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, Government Code chapter 552. We assigned your request ID# 26254.

The Tarrant County Housing Partnership, Inc. (the "partnership"), which you represent, has received a request for, *inter alia*, "[a]ll records, including memorandums and written proposals, relating to the issue of whether the partnership would purchase large multi-family units in Fort Worth and Arlington."¹ You advise us that most of the requested information will be made available to the requestor. You have submitted some information to us for review, however, and claim that sections 552.105 and 552.111 of the Government Code except it from required public disclosure.

Section 552.105 excepts from required public disclosure:

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

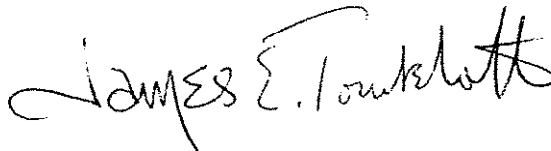
Section 552.105 is designed to protect a governmental body's planning and negotiating position with regard to particular transactions. Open Records Decision No. 564 (1990). Once the transaction is complete, however, information which pertains to negotiations for the acquisition of real or personal property may no longer be excepted under section 552.105. See Open Records Decision No. 310 (1982).

¹Since you make no argument to the contrary, we assume for purposes of this ruling that the partnership is a "governmental body" under the Open Records Act. See, e.g., Gov't Code § 552.003(a)(10) (a "governmental body" includes "the part . . . of an organization . . . that spends or that is supported in whole or in part by public funds").

We have examined the documents submitted to us for review and conclude that you have made a good faith determination that release of the requested information would damage the partnership's negotiating position with respect to its plan to acquire certain apartment units. Accordingly, the partnership may withhold the submitted information under section 552.105 of the Government Code. As we resolve this matter under section 552.105, we need not address the applicability of section 552.111 at this time.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,

A handwritten signature in black ink, appearing to read "James E. Tourtelott". The signature is fluid and cursive, with a large initial "J" and a stylized "T" at the end.

James E. Tourtelott
Assistant Attorney General
Open Government Section

JET/GCK/rho

Ref.: ID# 26254

Enclosures: Submitted documents